

COLORADO STATE BOARD OF PHARMACY
October 21, 2010

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:30 a.m. on Thursday, October 21, 2010 at 1560 Broadway, Conference Room 1550, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine Dickerhofe, R.Ph., E. Katherine Edelblut, R.Ph., Leonard L. Hierath, P.E., Paul Limberis, R.Ph., Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Susan Martin, R.Ph., Acting Program Director; Chief Inspector, Chris Gassen, R.Ph.; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Catie Granquist, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the September 16, 2010 meeting as amended.

ADDITIONS TO THE AGENDA

None

REPORTS

President's Remarks

Ms. Dickerhofe reported that she and Mr. Limberis attended the National Association of Boards of Pharmacy (NABP) District 6, 7 and 8 meeting in Albuquerque, NM on September 28-30, 2010. At that meeting, Ms. Dickerhofe and Mr. Limberis learned that three new pharmacy practice subcompetencies would be added to the North American Pharmacist Licensure Examination (NAPLEX) effective March 1, 2011. In addition, they learned that a new evaluation tool, Pharmacist Assessment for Remediation and Evaluation (PARE), will be available from NABP to evaluate if disciplined pharmacists are competent to go back to practice.

Program Director's Report

Ms. Anderson presented the Board with proposed amendments to Board Policy 30-6, regarding designated representative changes for in-state prescription drug wholesalers, and a newly proposed Board Policy 30-13, regarding designated representative changes for out of state prescription drug wholesalers. After due consideration, the Board approved of the amendments to Board Policy 30-6, and approved the adoption to Board Policy 30-13.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The CPS Annual Fall Meeting was held on October 14-16, 2010 at the Doubletree Hotel Denver Tech. Twelve hours of continuing education (CE) was offered. The meeting began with a Thursday dinner CE program on the topic of pharmacotherapies for Crohn's disease. The programming for Friday was developed by the members of the CPS Academy of Health-System Pharmacists. The keynote speaker was Hannah Vanderpool, Director of

Affiliate Relations with the American Society of Health-System Pharmacists. Her topic was "Redefining the Pharmacy Practice Model: Shaping the Future of Pharmacy." The programming for Friday included topics focused in the areas of cardiology, nephrology, infectious disease and improving patient compliance. The programming for Saturday included the topics of medication reconciliation, diabetes, and pharmacy law. The Saturday programming also included a preceptor training module sponsored by the University of Colorado Denver School of Pharmacy and the Regis University School of Pharmacy. The awards luncheon recognized the 2010 Bowl of Hygeia recipient, Tim Mead.

CPS has begun planning for the 2011 Winter CE Seminar, January 9-12, 2011 at the Westin Riverfront in Avon, CO. Fifteen hours of CE will be provided.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

No report was presented, as the October 2010 meeting of the GEEERC was cancelled. The next scheduled meeting of the GEEERC is scheduled for January 2011.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the school is beginning the interviewing and selection process for the 2011 incoming class, and that community pharmacists will participate in the interviewing process. Dr. Jarvis also reported that the school is in the process of undergoing significant revisions to its curriculum.

Ms. Dickerhofe reported, on behalf of the Regis University School of Pharmacy, that Dr. Marianne McCollum will serve as the Interim Dean of the school while a permanent replacement can be found. Ms. Dickerhofe further reported that the school received from the Accreditation Council for Pharmacy Education (ACPE) Board candidate accreditation status in April 2010. The school remains on track for bringing in its third pharmacy class. The class size will be 77 students.

Legislation - Jeannine Dickerhofe, RPh

The first meeting of the Colorado Pharmacy Coalition (CPC), after its summer recess, was held on Wednesday, September 29, 2010. The focus of the coalition was the 2011 Pharmacy Sunset Review.

In attendance were representatives from every pharmacy organization in the state, including the schools of pharmacy, Peer Assistance Services, and the Department of Regulatory Agencies. The agenda included a review of potential topics for the 2011 Sunset Review and included the following:

- A. Board Composition;
- B. Continuing Education;
- C. Continuous Quality Improvement;
- D. Pharmacy Technicians;

1. Pharmacist / Technician ratio;
2. Pharmacist/ Intern ratio;
3. Registration/Certification;
4. Different Classes of Technicians; and
5. Tech check tech.

E. Drug Therapy Management;

F. Definition of "Satellite"; and

G. Long Term Care

1. Contingency box; and
2. Remote dispensing

Proposed changes to the current pharmacy law will continue to be presented and discussed, and a list of these changes will be compiled for the sunset review process. The CPC will meet the last Wednesday of every month through the rest of this year and the entire 2011 legislative session.

Inspectors

Walgreen Pharmacies & Hard-Copy Maintenance of Prescription Orders

The Board reviewed information from its staff regarding the readability of hard-copy prescription orders after being electronically received from prescribing practitioner's offices and reduced in size by various Walgreen pharmacies.

After due consideration of available information, the Board voted to table further action pending receipt of additional information.

Safeway Pharmacy # 3714, PDO 104-45

The Board reviewed a Special Report from Ms. Martin detailing the results of a controlled substance audit conducted by Board staff at Safeway Pharmacy # 3714.

After due consideration of available information, the Board directed its staff to initiate a complaint against the registration of Safeway Pharmacy # 3714 and the license of the pharmacist manager of Safeway Pharmacy # 3714.

OLD BUSINESS

Complaints

Robert B. Boardman, RPH 8435, Cases 2010-3840 and 2010-3851

The Board voted unanimously to dismiss Case 2010-3840 as being without merit, and to refer Case 2010-3851 to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss Case 2010-3851. The Board found that there was no reasonable cause to warrant further action at this time.

Stipulations

Robert A. Governski, RPH 14225

Ms. Arceneaux recused.

The Board reviewed an Agenda Memorandum from Ms. Anderson regarding Mr. Governski's request that the Board order a reversal of his previous unsuccessful discharge from the Pharmacy Peer Health Assistance Diversion Program ("Diversion Program").

The Board voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to order Mr. Governski to obtain an evaluation pursuant to both the Stipulation and Final Agency Order he entered into with the Board effective December 16, 2009 and CRS 12-22-605(3), re-enter into a contract with the Board's Pharmacy Peer Health Assistance Diversion Program, and thereafter remain in complete compliance with that contract.

David W. Heimke, RPH 8789

The Board reviewed Mr. Heimke's request either to be released from, or to modify the terms of, his Stipulation and Final Agency Order with the Board.

After careful consideration of the available information, the Board voted unanimously to deny Mr. Heimke's request to be released from the terms of his Stipulation and Final Agency Order or to eliminate the requirement to successfully complete and pass the Professional and Problem Based Ethics ("ProBE") Course. However, the Board extended the period of time by one year for him to successfully complete and pass the ProBE course.

Daniel L. Wylie, RPH 15265

The Board reviewed Mr. Wylie's request either to be released from, or to modify the terms of, his Stipulation and Final Agency Order with the Board.

The Board voted unanimously to refer the case to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to deny Mr. Wylie's request to be released from the terms of his Stipulation and Final Agency Order. However, the Board granted his request to extend the period of time by one year in order for him to:

- (1) Successfully complete and pass the Professional and Problem Based Ethics (“ProBE”) Course;
- (2) Take and pass the Multistate Pharmacy Jurisprudence Examination (“MPJE”); and
- (3) Complete 110 hours of Accreditation Council for Pharmacy Education (“ACPE”)-approved continuing education.

The Board further directed its staff to inform Mr. Wylie that it will grant no further extensions for him to complete the requirements.

LICENSING

John K. Soffa, Pharmacy Intern Applicant

The Board reviewed information concerning Mr. Soffa’s pharmacy intern application and voted unanimously to refer this matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to table further consideration of the application pending receipt of additional information as requested by the Board.

NEW BUSINESS

Complaints

Advanced Pharmacy Services, LLC, PDO 53-23 2011-0114

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

American Pharmacy Solutions, OSP 5813 2010-4185

The Board voted unanimously to dismiss this case as being without merit.

American Pharmacy Solutions, OSP 5813 2011-0067

The Board voted unanimously to dismiss this case as being without merit.

Jack A. Miller, Jr., RPH 10082 2011-0383

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

Lorena E. Montoya, RPH 16229 2011-0480

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Todd's Harvard Park Pharmacy, Inc., PDO 200

2011-0513

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Todd W. Hilst, RPH 11288

2011-0527

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

VetCentric, OSP 5478

2011-0123

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Vetlink of Parker, WHI 6029

2011-0687

The Board voted unanimously to dismiss this case as being without merit.

LICENSING/REGISTRATION

Brett Q. Wolff, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Ms. Anderson and voted unanimously to refer this matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to issue Mr. Wolff a pharmacy intern license and to encourage his participation in the Pharmacy Peer Health Assistance Diversion Program.

MISCELLANEOUS

Correspondence, etc.

Correspondence from Kaiser Permanente Smoky Hill Pharmacy (PDO 7-41), dated September 14, 2010, Regarding a Medication Event Resulting in Emergency Department Visit

Ms. Dickerhofe recused.

The Board acknowledged the information and determined that no action was needed.

Self-Report from Liberty Medical Supply, Inc. (OSP 5164), dated July 13, 2010

The Board acknowledged the information and determined that no action was needed.

Self-Report from Medco Health, OSP 5025

The Board acknowledged the information and determined that no action was needed.

April 14, 2010 Patient Safety Taskforce Meeting Minutes

The Board noted the approved minutes.

EXECUTIVE SESSION

At 10:30 a.m., Board President Jeannine Dickerhofe moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with seven votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 12:23 p.m.

Open Session

ADJOURNMENT

The Board adjourned at 12:28 p.m.

Jeannine G. Dickerhofe, R.Ph.
Board President

Approval Date